IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Criminal Application No.339 of 2007
In
Criminal Writ petition No.722 of 2007

Pramod Vasant Shinde Applicant

Vs.

Shri Niket Kaushik,
Deputy Commissioner of Police & anr. Respondents

Mr.R.D.Soni i/b. M/s.Ram & Co. for applicant.

Mr.Y.M.Nakhawa, APP for State.

CORAM: B.H.MARLAPALLE, J.

December 17, 2007.

P.C.

. Heard Mr.Soni, the learned counsel for the applicant.

. By an order dated 18/11/2006 the applicant was externed under Section 56 of the Bombay Police Act, 1951 for a period of two years from the territories of Mumbai Urban, Mumbai Suburban and Thane Districts. Appeal against the said order was dismissed by the

lower Appellate Authority and, therefore, he approached this Court in Criminal Writ Petition No.722 of 2007 challenging the said order of externment. The petition was dismissed on 5/7/2007 and thus the order of externment was confirmed.

. This application has been filed with a prayer for modification of the externment order in asmuchas it is prayed that the externment period be confined to the period already undergone by the applicant on such conditions as this Court may deem fit and proper. Mr.Soni, the learned counsel for the applicant submitted that the applicant has already suffered about fourteen months of externment and he is not a hardened criminal. The applicant claims that he is a Trade Unionist and has aged parents. As per him in his absence the Trade Unions are weakened and his father is suffering from heart ailment and has recently undergone by-pass surgery in the KEM hospital at Mumbai.

. I have considered the grounds made out in support of the prayer for modification of the externment period. I have also perused the affidavit-in-reply filed by the Deputy Commissioner

of Police, Zone VI, Mumbai and I am satisfied that the order dated 5/7/2007 passed by me in Criminal Writ Petition NO.722 of 2007 does not call for any reconsiderations or modifications and hence the application is rejected.

(B.H.MARL